

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 19511 of 2004

Between:

K.V.Prabhakara Rao, S/o.Ramarao,
D.No.14-1-9, Addepallivari Veedhi, Vizianagaram.

..... PETITIONER

AND

- 1 The Depot Manager, APSRTC., Parvathipuram Bus Depot,
Vizianagaram Dist.
- 2 The Industrial Tribunal-cum-Labour Court, rep.by its Presiding officer,

Visakhapatnam.

- 3 The Govt. of Andhra Pradesh, rep.by the officer on Special Duty, Labour,
Employment, Training & Factories, (Lab.I) Department, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, one in the nature of writ of certiorari call for the entire records in G.O.Rt.No.2865 dated 5-11-2001 under the Award No.182/2000 dt.31-8-2001 of the 2nd respondent herein and also the proceedings of the 1st respondent vide No.02/62/88/97 PPM dt.27-4-1998, illegal, arbitrary and unenforceable and quash the same and consequently direct the respondents herein to reinstate the petitioner into service and pay all consequential benefits.

Counsel for the Petitioner: MR.K.A.NARASIMHAM

Counsel for the Respondent No.1: KUM.B.G.UMA DEVI

Counsel for the Respondent Nos.2 and 3: GP FOR LABOUR

The Court made the following:

ORDER:

Challenging the order passed by the Industrial Tribunal-cum-Labour Court, Visakhapatnam (for short 'the Tribunal) in I.D.No.182 of 2000, the present writ petition has been filed.

The writ petitioner/workman raised the above I.D., challenging the order of his removal from the services of the respondent-Corporation. When the matter was called, the petitioner was absent and there was no representation on his behalf, and therefore, the Tribunal dismissed the I.D., without costs and passed nil award on 31.08.2001, against which the present writ petition has been filed after lapse of more than 3 years.

The learned counsel appearing for the petitioner contended that the petitioner was not properly guided after the nil award was passed by the Tribunal and as such, sufficient time had lapsed in filing the application before the Tribunal and therefore the petitioner approached this Court at this stage.

The explanation put forth by the petitioner cannot be a ground for interfering with the impugned proceedings. The learned counsel appearing for the petitioner has not been able to show that the impugned proceedings are perverse or contrary to law. When the

workman was absent on 31.08.2001 and there was no representation on his behalf on that day, there was no option to the Tribunal, but to conclude that the petitioner was not diligent in prosecuting the case.

The Order under challenge does not suffer from any infirmity warranting interference of this Court under Article 226 of the Constitution of India. It is clear from the facts and circumstances of the case that the petitioner was not only not diligent in prosecuting the I.D., but also filed this writ petition after lapse of more than 3 years. Hence, there are no grounds to interfere with the impugned proceedings.

The writ petition is devoid of merits and is accordingly dismissed at the admission stage itself. No costs.

17.01.2005

VGB

To

- 1 The Depot Manager, APSRTC., Parvathipuram Bus Depot,
Vizianagaram Dist.
- 2 The Industrial Tribunal-cum-Labour Court, rep.by its Presiding officer,
Visakhapatnam.
- 3 The Govt. of Andhra Pradesh, rep.by the officer on Special Duty, Labour,
Employment, Training & Factories, (Lab.I) Department, Hyderabad.
- 4 2CCs to the G.P. for Labour, High Court Buildings, Hyderabad (OUT)
- 4 2CD copies